

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION – IN ADMIRALTY**

CIVIL ACTION NO

In the Matter of:

CYRUS HAMILTON SLOAN, SR.,
Owner of the M/V DRESS BLUE, a
2016 or 2017 48' +/- Sabre Salon
Express, HIN # HWS48085F617, NC
Registration # 1387 EK, Official #
1271682, her engines, tackle, apparel,
appurtenances, etc.

For Exoneration from
or Limitation of Liability

**ORDER APPROVING *AD INTERIM*
STIPULATION, DIRECTING
ISSUANCE OF NOTICE, AND
RESTRAINING PROSECUTION OF
CLAIMS**

A Complaint having been filed herein by Cyrus Hamilton Sloan, Sr. (“Limitation Plaintiff”) as Owner of the M/V DRESS BLUE, a 2016 or 2017 48' +/- Sabre Salon Express, HIN # HWS48085F617, NC Registration # 1387 EK, Official # 1271682, her engines, tackle, apparel, appurtenances, etc. (“Vessel”), for exoneration from or limitation of liability, civil and maritime, pursuant to 46 U.S.C. 30501, *et. seq.*, Rule F of the Supplementary Rules of the Federal Rules of Civil Procedure, for all losses, damages, injuries or destruction allegedly resulting during a voyage commencing on or about April 30, 2021 in Key Largo, Florida and terminating on or about May 5, 2021 in Spooners Creek Marina, Morehead City, Carteret County, North Carolina including travel on segments of the Intracoastal Waterway in South Carolina on or about May 4, 2021, all upon navigable bodies of water (“Voyage”) and as described more fully in the Limitation Plaintiff’s Complaint;

And Limitation Plaintiff, having deposited with the Court as security for the benefit of claimants, an *Ad Interim* Stipulation and Letter of Undertaking not less than or equal to the Limitation Plaintiff's interest in the Vessel, including pending freight, plus Five Hundred Dollars and no cents (\$500.00) plus interest at the rate of 6% per annum from the date of the security as required by the rules of this Court and by the law;

And Limitation Plaintiff, having submitted an affidavit of marine surveyor Brian Donnalley as to the value of the Vessel following the conclusion of the Voyage described in the Complaint;

IT IS ORDERED AND ADJUDGED that the Letter of Undertaking and *Ad Interim* Stipulation for the value of Limitation Plaintiff's interest in the Vessel, in the principal amount of Nine Hundred Thousand Dollars and no cents (\$900,000.00), pending freight (none), plus Five Hundred Dollars and no cents (\$500.00) for a total sum of \$900,500.00 plus interest at the rate of 6% per annum from the date of the security is APPROVED as to form, quantum and appropriate surety and security and is taken as an *Ad Interim* Stipulation of value not less than or equal to the amount or value of Limitation Plaintiff's interest in the Vessel including pending freight, if any.

IT IS FURTHER ORDERED AND ADJUDGED that the Limitation Plaintiff and any Claimant who may properly become a party hereto may contest the amount of value of Limitation Plaintiff's interest in the Vessel and may move the Court for due appraisal of said interest and may apply to have the amount of said

security increased or decreased, as the case may be, on the determination by the Court of the amount or value of said interest or to carry out the provisions of 46 U.S.C. 30501, *et. seq.* for personal injuries or death.

IT IS FURTHER ORDERED AND ADJUDGED that a notice shall be issued by the Clerk of this Court advising and admonishing all persons asserting claims against Cyrus Hamilton Sloan, Sr. and/or the Vessel for any and all losses, damages, injuries, or destruction allegedly as a result of the occurrences and happenings recited in the Complaint, to file their respective claims with the Clerk, United States District Court for the Eastern District of North Carolina, Eastern Division, located at 413 Middle Street, New Bern, NC 28560, on or before the 26th day of August, 2022 (not less than 30 days after issuance of notice), and serve on Limitation Plaintiff's attorney Jason R. Harris, Cranfill Sumner LLP, 101 N. 3rd Street, Suite 400, Wilmington, NC 28401, a copy thereof, or be defaulted and if any claimant desires to contest Limitation Plaintiff's right to exoneration from or limitation of liability, the claimant shall file and serve on Limitation Plaintiff's attorney an answer to the Complaint, on or before said date, unless his claim had included an answer to the Complaint so designated, or be defaulted.

IT IS FURTHER ORDERED AND ADJUDGED that publication of the aforesaid Notice in the form required by Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure and Local Admiralty Rule F.2 shall be published in The News and Observer (Raleigh, North

Carolina), once a week for four (4) successive weeks prior to the date fixed for the filing of claims in accordance with Supplemental Rule F.

IT IS FURTHER ORDERED AND ADJUDGED that, except in these proceedings for exoneration from or limitation of liability, any and all person or persons, firms, or corporations claiming damages or losses resulting against Cyrus Hamilton Sloan, Sr. and/or the Vessel from the Voyage referred in the Complaint are enjoined and restrained from prosecuting or attempting to prosecute other proceedings upon their claims against the Limitation Plaintiff and, except in this proceeding, any and all person or persons, firms or corporations are enjoined and restrained from commencing or prosecuting any claim or claims, suit or suits, action or actions, or other proceedings of any nature or description against Cyrus Hamilton Sloan, Sr. and/or the Vessel whatsoever for or in connection with or on account of, incidental to, or resulting from the Voyage until further order of this Court or determination of this action.

IT IS FURTHER ORDERED AND ADJUDGED that service of the Order as a restraining order may be made by mailing a conformed copy of it to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

IT IS FINALLY ORDERED AND ADJUDGED that Limitation Plaintiff, no later than the second day of publication of the notice ordered herein, shall mail a copy of the notice to every person or entity known to have made a claim against the

Limitation Plaintiff or the Vessel arising out of the Voyage more fully described in the Complaint.

IT IS SO ORDERED this ____ day of _____, 2022.

UNITED STATES DISTRICT COURT
JUDGE